

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26754 OF 2005

DATED:15.12.2005

Between:

T. Raghavender

...Petitioner

And

The Mandal Revenue Officer

Yalal Mandal,

Ranga Reddy District

...Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26754 OF 2005

ORDER:

The present Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondent in contemplating to evict the petitioner from the rice mill, known as Lakshmi Venkataramana Rice Mill, and appurtenant land covered by an extent of Ac.1.20 gts. in S.No.52 of Kokat Village, Yalal Mandal, Ranga Reddy District, as illegal, arbitrary and violative of fundamental rights of the petitioner.

The petitioner alleges that he has constructed rice mill in the land comprised in S.No.52 and he is the owner of the rice mill, appurtenant platform covered by land admeasuring Acs.1.20 gts. According to the petitioner, at the instance of the faction rivalry, the respondent is contemplating to evict the petitioner without due process of

law and therefore he filed present Writ Petition.

At the preliminary stage of hearing, learned Assistant Government Pleader for Revenue (Assignment) obtained instructions and submits that one Konda Saibaba encroached upon Government land to an extent of Ac.0.08 gts. in S.No.52 of Kokat Village and constructed a rice mill, in the name and style of M/s. Tirumala Industries Rice Mill. Therefore, action was initiated and notice was issued under Section 7 of the A.P. Land Encroachment Act, 1905 (for short, the Act). After receiving the notice, the said person engaged an Advocate and submitted an explanation claiming absolute rights in the land by reason of registered sale deed. After considering the explanation, the Mandal Revenue Officer has passed orders on 14.11.2005 under Section 6 of the Act ordering eviction of encroacher from Government land. Learned Assistant Government Pleader also submits that what was purchased by Konda Saibaba was land in S.No.57 of Kokat Village, and in the guise of occupying the land in the said survey number encroached upon the Government land in S.No.52/5/B. Learned Assistant Government Pleader has also placed before this Court necessary material in support of his contention.

In view of the submissions made by the learned Assistant Government Pleader and also the material placed before this Court, it becomes clear that there was an encroachment of Government land in S.No.52 to an extent of Ac.0.08 gts. In that connection, action was initiated under the Act and the encroacher was ordered to be evicted. The petitioner claims that he is owner of Ac.1.20 gts. and therefore his claim to absolute ownership may be verified by the respondent at the time of evicting the encroacher. In this Writ Petition, however, no relief can be granted to the petitioner. Further, even if he is aggrieved, it shall be open to the petitioner to obtain a copy of the order passed by the respondent on 14.11.2005 under Section 6 of the Act, and file an appeal before the jurisdictional Revenue Divisional Officer.

The Writ Petition with the above observations is accordingly dismissed.

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(V.V.S.RAO, J)

15.12.2005

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